

REMARKS/ARGUMENTS

Favorable reconsideration of this application in view of the above amendments and the following remarks is respectfully requested.

Claims 1, 2, 4, 5, 45-47 and 52-57 are pending in this application. By this amendment, Claims 1 and 56 have been amended. It is respectfully submitted that no new matter has been added.

In the outstanding Office Action, Claims 1-2, 4-5, 45-47 and 52-71 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite; Claims 1-2, 4-5, 45-47, and 52-71 were rejected under 35 U.S.C. § 101 as inoperative and therefore lacking utility; and Claims 1-2, 4-5, 45-47, and 52-71 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sugawara et al. (U.S. Patent No. 6,342,709 B1, hereinafter “Sugawara”) in view of Applicant Admitted Prior Art of FIG. 21(AAPA).

Applicants express appreciation for the grant of personal interviews on July 22, 2008 and September 15, 2008. The substance of the interviews is consistent with the arguments to be presented below.

Responsive to the rejections of Claims 1-2, 4-5, 45-47, and 52-71 under 35 U.S.C. § 112, second paragraph, as being indefinite and under 35 U.S.C. § 101 as inoperative and therefore lacking utility, Claims 1 and 56 have been amended to change the language “not electrically connected” to “not directly connected.” It is understood from the discussion during the interview of July 22, 2008 and statements made on the Interview Summary form that this amendment will overcome both rejections under §§ 112 and 101. Accordingly, it is respectfully requested that these rejections be reconsidered and be withdrawn.

Responsive to the rejections of Claims 1-2, 4-5, 45-47 and 52-71 under 35 U.S.C. § 103(a) as being unpatentable over Sugawara in view of AAPA, Claim 1 has been amended to recite a “gate wiring which is ... directly above a first insulating film” and Claim 56 has

been amended to recite “the metal gate wiring is formed on the second semiconductor region directly above a first insulating film.” Both Claims 1 and 56 recite “wherein the first insulating film is formed substantially midway between neighboring gate electrodes on the base region of the second conductivity type.” It is respectfully submitted that these features are neither disclosed by nor rendered obvious by Sugawara, Applicants’ FIG. 21 or a combination thereof.

Applicants’ FIG. 21 which is described in the specification as a “related semiconductor device” is silent with regard to the present number or location of gate electrodes.

Sugawara fails to show a gate wiring directly above a first insulating film wherein the first insulating film is formed substantially midway between neighboring gate electrodes on the base region of the second conductivity type as recited in independent Claims 1 and 56.

Accordingly, withdrawal of the rejections of Claims 1-2, 4-5, 45-47, and 52-71 is respectfully requested, and allowance of Claims 1-2, 4-5, 45-47, and 52-71 is respectfully requested.

Consequently, for the reasons discussed in detail above no further issues are believed to be outstanding in the present application and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below-listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

A handwritten signature in black ink, reading "Michael L. Gellner". The signature is written in a cursive style with a horizontal line underneath.

Eckhard H. Kuesters  
Attorney of Record  
Registration No. 28,870

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/07)

Michael L. Gellner  
Registration No. 27,256